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5 UNITED STATES BANKRUPTCY COURT

6 DISTRICT OF ARIZONA, PHOENIX DIVISION

7 Katherine Christensen, In Person  
Plaintiff, Movant

8 Vs.

9 AURORA LOAN SERVICES LLC et. al.,  
10 CHEVY CHASE BANK NKA CAPITAL  
11 ONE NA et. al., JP MORGAN CHASE &  
12 CO. et. al., BANK OF AMERICA et.al.,  
13 JOHN DOES and JANE DOES 1-100, ABC  
14 CORPORATIONS 1-100, and XYZ  
15 PARTNERSHIPS 1-100,

16 Defendants,

) Case No.: 09-21818-RTB

) Adversarial Case No. 09-ap-01358-RTB

) Adversarial Case No. 09-ap-01357-RTB

) Adversarial Case No. 09-ap-01369-RTB

) Adversarial Case No. 09-ap-01359-RTB

) CHAPTER 7

) MOTION TO CONSOLIDATE

) ADVERSARIAL CASES AND MOTION

) TO ENJOIN INDISPENSALBE PARTIES

) Assigned to: Hon. Redfield T. Baum

17 COMES NOW Katherine Christensen, known interchangeably as Movant or Plaintiff,  
18 respectfully submitting this MOTION TO CONSOLIDATE ADVERSARIAL CASES AND  
19 MOTION TO ENJOIN INDISPENSABLE PARTIES.

20  
21 **MEMORANDUM IN SUPPORT OF MOTION TO CONSOLIDATE**

- 22 1. Between October 15, 2009 and October 16, 2009 Movant filed four (4) adversarial  
23 complaints; #09-01358, #09-01357, #09-01369, #09-01359.  
24 2. Movant asks the court to consolidate these cases together into one case as Movant respects the  
25 scarce judicial resources spent to hear multiple suits on the same or related issues when  
consolidation would solve that problem.

## INTRODUCTION

3. Movant is operating on the presumption that her Motions to Enjoin Indispensable Parties in Adversarial cases #09-03158 and #09-03157 both filed January 4, 2010, will take place.
4. Movant requests this court to also enjoin the following indispensable parties into case #09-01369; Charter Funding, Chris McBrearty d/b/a Mortgage Broker for Charter Funding, First Magnus Financial Corporation, National City Bank, Mortgage Electronic Registration Systems Inc., North American Title Co., Maricopa County Sheriff Office, and Institute for Financial Learning.
5. Movant requests this court to also enjoin the following indispensable parties into case #09-01359; Charter Funding, Chris McBrearty d/b/a Mortgage Broker for Charter Funding, First Magnus Financial Corporation, Countrywide, Pioneer Title, Mortgage Electronic Registration Systems Inc., North American Title, Carson Messinger Elliott Laughlin & Ragan PLLC, Polk Prober & Raphael, Gila County Sheriff Office, and Institute for Financial Learning.
6. Movant requests this court to recognize Merendon Mining (Nevada) Inc., as a party to the fraudulent scheme(s).
6. Movant has recently learned that the Court requires the crucial and newly discovered evidence presently in possession of these additional parties before it can make a fair and just ruling. Each of the following parties holds an understanding as to what has happened in this case and must be allowed the opportunity to help the Court with the complexities of it.
7. All these adversarial complaints are dependant upon the same improper and continuing course of conduct and pattern of facts, albeit on four (4) separate transactions on two (2) different pieces of property. The decision on one of them could be a decision on all of them. And, without consolidation, there's a risk of inconsistent findings or judgment.
8. Therefore Movant asks the Court to consolidate these actions into one suit.

**ARGUMENT**

9. A court may consolidate lawsuits if the suits relate to substantially the same subject matter and consolidation does not result in delay, jury confusion, or prejudice to the parties. *See Hendrix V. Raybestos-Manhattan, Inc.*, 776 F.2d 1492, 1496 (11<sup>th</sup> Cir. 1985). Also see *-In re Ethyl Corp.*, 1998 and 15 similar citations, Judge Owen of the Supreme Court of Texas stated, “[w]hether the specific risks of prejudice and possible confusion [are] overborne by the risk of inconsistent adjudications of common factual and legal issues, the burden on parties, witnesses and available judicial resources posed by multiple lawsuits, the length of time required to conclude multiple suits as against a single one, and the relative expense to all concerned...”. See *In American Family Home Insurance Company v. Hillery*, 2009 and 7 similar citations, “In exercising that discretion, district courts must weigh the risk of prejudice and confusion wrought by consolidation against the risk of inconsistent rulings on common factual and legal questions, the burden on the parties and the court, the length of time, and the relative expense of proceeding with separate lawsuits if they are not consolidated.”

10. All four (4) suits are substantially the same, including but not limited to:

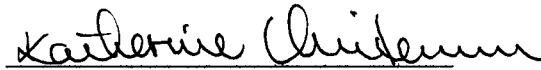
- a) The suits proposed to be consolidated are pending before this court for all purposes
- b) Many of the same parties are involved in each action including but not limited to; Charter Funding, Chris McBrearty d/b/a Mortgage broker for Charter Funding, the alleged initial lender First Magnus Financial, Mortgage Electronic Registration Systems Inc., North American Title Company, Merendon Mining (Nevada) Inc., Institute of Financial Learning, and Sheriff’s Office.
- c) The proceedings involve common issues of law.
- d) The proceedings involve common issues of fact.
- e) Consolidation will eliminate any risk of prejudice or confusion. If any such risk exists, it is outweighed by the risk of inconsistent adjudication of common factual and legal issues.
- f) Consolidation will conserve judicial resources.

1 g) Consolidation will reduce the time and expense of trying the actions separately.

2 **CONCLUSION**

3 11. As each of the four (4) adversarial complaints has common origin and many common  
4 parties, and to save the court time, resources and the risk of differing adjudications, for these  
5 reasons Movant asks the court to enjoin all indispensable parties and to consolidate  
6 adversarial complaints #09-01358, #09-01357, #09-01369, and #09-01359 into one common  
7 action.

8  
9 RESPECTFULLY SUBMITTED this 14<sup>th</sup> Day of January 2010.

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